



1825 I STREET, N.W., SUITE 900
WASHINGTON, DC 20006
TELEPHONE: (202) 457-0160
FACSIMILE: (202) 659-1559
<http://www.dickinsonwright.com>

JACOB S. FRENKEL* CHAIR, GOVERNMENT
INVESTIGATIONS AND SECURITIES ENFORCEMENT PRACTICE
JFrenkel@dickinsonwright.com
(202) 466-5953

*Admitted to practice in Maryland and Louisiana. Not
admitted to practice in the District of Columbia.

October 6, 2021

via ECF filing and facsimile

Hon. Cathy L. Waldor
United States Magistrate Judge
District of New Jersey, Newark Division
Martin Luther King Jr. Courthouse
50 Walnut St., Room 4040, Courtroom 4C
Newark, NJ 07101

Case: *SEC v. Vuuzle Media Corp., et al.*, Civil Action No. 2:21-cv-1226
Re: Change of Time Request for Oct. 12 Protective Order Oral Argument

Dear Judge Waldor:

This letter is counsel's request, on behalf of Defendant Vuuzle Media Corp., to change the time of the oral argument via Zoom scheduled by the Court for Tuesday, October 12, 2021 at 1:00 P.M. The request is to start the hearing either 30 minutes or one hour later on the same day. I have conferred via e-mail with counsel to Plaintiff Securities and Exchange Commission and counsel to co-defendant Richard Marchitto, and counsel do not object to this request.

The reason for my request is as follows. I am sole United States counsel to the U.S. Environmental Protection Agency (EPA) Independent Auditor in the settlement between the EPA and Volkswagen in connection with "Dieselgate."¹ On Monday, October 4th, the Independent Auditor commenced four weeks of all-day interviews on a very tight timeline in Europe and the Middle East throughout the month of October. Although I did not travel with the Auditorship team, I am participating in these interviews daily beginning at 3:00 A.M. (or 3:30 A.M.) (EDT) and scheduled to continue daily until 1:00 P.M. With respect to the Court, I need to be present as sole US counsel. These interviews are long scheduled, and the dates, locations and participants have been the subject of extensive negotiation over a number of months. It is for this reason that I ask the Court if it would be possible to begin the oral argument before the

¹ *In the Matters of Volkswagen AG* (EPA Case No. 16-0704-01A), *Volkswagen Group of America, Inc.* (EPA Case No. 16-0704-00A), *Volkswagen Group of America Chattanooga Operations LLC* (EPA Case No. 16-0704-03A) and *AUDI AG* (EPA Case No. 16-0704-02A).

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court at 1:30 P.M. or 2:00 P.M. to ensure that I may join timely, as I will be arguing for Defendant Vuuzle Media Corp.

Thank you for the Court's consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jacob S. Frenkel", written in a cursive style.

Jacob S. Frenkel

c: Hon. Judge Katharine S. Hayden, U.S.D.J. (via ECF filing)
All Counsel of Record (via ECF filing)